

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
300317	16 U.S.C. 470w(2).	Pub. L. 89-665, title III, §301(2), as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102-575, title XL, §4019(a)(2), Oct. 30, 1992, 106 Stat. 4763.

§ 300318. State historic preservation review board

In this division, the term “State historic preservation review board” means a board, council, commission, or other similar collegial body established as provided in section 302301(2) of this title—

(1) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);

(2) a majority of the members of which are professionals qualified in history, prehistoric and historic archeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(3) that has the authority to—

(A) review National Register nominations and appeals from nominations;

(B) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(C) provide general advice and guidance to the State Historic Preservation Officer; and

(D) perform such other duties as may be appropriate.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3190.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
300318	16 U.S.C. 470w(12).	Pub. L. 89-665, title III, §301(12), as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102-575, title XL, §4019(a), Oct. 30, 1992, 106 Stat. 4764; Pub. L. 106-208, §5(a)(10), May 26, 2000, 114 Stat. 319.

§ 300319. Tribal land

In this division, the term “tribal land” means—

(1) all land within the exterior boundaries of any Indian reservation; and

(2) all dependent Indian communities.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3191.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
300319	16 U.S.C. 470w(14).	Pub. L. 89-665, title III, §301(14), as added Pub. L. 102-575, title XL, §4019(a)(12), Oct. 30, 1992, 106 Stat. 4764.

§ 300320. Undertaking

In this division, the term “undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

(1) those carried out by or on behalf of the Federal agency;

(2) those carried out with Federal financial assistance;

(3) those requiring a Federal permit, license, or approval; and

(4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3191.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
300320	16 U.S.C. 470w(7).	Pub. L. 89-665, title III, §301(7), as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102-575, title XL, §4019(a)(5), Oct. 30, 1992, 106 Stat. 4764.

§ 300321. World Heritage Convention

In this division, the term “World Heritage Convention” means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3191.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
300321	no source.	

The words “the Trust Territory of the Pacific Islands . . . and, upon termination of the Trusteeship Agreement for the Trust Territories of the Pacific Islands” are omitted as obsolete. See note at 48 U.S.C. prec. 1681. For continued application of certain laws of the United States in certain cases, see the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note), the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note), and the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note).

SUBDIVISION 2—HISTORIC PRESERVATION PROGRAM

CHAPTER 3021—NATIONAL REGISTER OF HISTORIC PLACES

Sec.	
302101.	Maintenance by Secretary.
302102.	Inclusion of properties on National Register.
302103.	Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List.
302104.	Nominations for inclusion on National Register.
302105.	Owner participation in nomination process.
302106.	Retention of name.
302107.	Regulations.
302108.	Review of threats to historic property.

§ 302101. Maintenance by Secretary

The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3191.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302101	16 U.S.C. 470a(a)(1)(A) (1st sentence).	Pub. L. 89-665, title I, §101(a)(1)(A) (1st sentence), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91-383, §11, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93-54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96-205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2988.

RECOVERY OF FEES FOR REVIEW SERVICES FOR HISTORIC PRESERVATION TAX CERTIFICATION

Pub. L. 106-113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-142, provided in part: “That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services”.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION

Pub. L. 104-333, div. I, title V, §507, Nov. 12, 1996, 110 Stat. 4156, as amended by Pub. L. 108-7, div. F, title I, §150, Feb. 20, 2003, 117 Stat. 245; Pub. L. 116-9, title II, §2402, Mar. 12, 2019, 133 Stat. 747, provided that:

“(a) **AUTHORITY TO MAKE GRANTS.**—From the amounts made available to carry out the National Historic Preservation Act [see 54 U.S.C. 300101 et seq.], the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

“(b) **GRANT CONDITIONS.**—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

“(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

“(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

“(c) **MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.**—

“(1) **IN GENERAL.**—Except as provided by paragraphs (2) and (3), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

“(2) **WAIVER.**—The Secretary may waive paragraphs (1) and (3) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

“(3) **EXCEPTION.**—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.

“(d) **FUNDING PROVISION.**—

“(1) **IN GENERAL.**—Under section 108 of the National Historic Preservation Act [see 54 U.S.C. 303101 to 303103], \$29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, \$5,000,000 shall be available for grants to Fisk University, \$2,500,000 shall be available for grants to Knoxville College, \$2,000,000 shall be available for grants to Miles College, Alabama, \$1,500,000 shall be available for grants to Talladega College, Alabama, \$1,550,000 shall be available for grants to Selma University, Alabama, \$250,000 shall be available for grants to Stillman College, Alabama, \$200,000 shall be available for grants to Concordia College, Alabama, \$2,900,000 shall be available for grants to Allen University, South Carolina, \$1,000,000 shall be available for grants to Claflin College, South Carolina, \$2,000,000 shall be available for grants to Voorhees College, South Carolina, \$1,000,000 shall be available for grants to Rust College, Mississippi, and \$3,000,000 shall be available for grants to Tougaloo College, Mississippi.

“(2) **ADDITIONAL FUNDING.**—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section \$10,000,000 for each of fiscal years 2003 through 2008 and each of fiscal years 2019 through 2025.

“(e) **REGULATIONS.**—The Secretary shall develop such guidelines as may be necessary to carry out this section.

“(f) **DEFINITIONS.**—For the purposes of this section:

“(1) **HISTORICALLY BLACK COLLEGES.**—The term ‘historically black colleges and universities’ has the same meaning given the term ‘part B institution’ by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(2) **HISTORIC BUILDING AND STRUCTURES.**—The term ‘historic building and structures’ means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.”

RECOMMENDATIONS OF HISTORIC PROPERTIES FOR PRESERVATION

Pub. L. 102-575, title XL, §4021, Oct. 30, 1992, 106 Stat. 4765, provided that: “The Secretary of the Interior, in consultation with the Advisory Council, shall seek to ensure that historic properties preserved under the National Historic Preservation Act [see 54 U.S.C. 300101 et seq.] fully reflect the historical experience of this nation.”

§ 302102. Inclusion of properties on National Register

(a) **IN GENERAL.**—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) **HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.**—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) **HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.**—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as

of their initial listing in the Federal Register for purposes of this division and chapter 3201 of this title, except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3191.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302102	16 U.S.C. 470a(a)(1)(B).	Pub. L. 89–665, title I, §101(a)(1)(B), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2988; Pub. L. 103–437, §6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104–333, div. I, title VIII, §814(d)(2)(F), Nov. 12, 1996, 110 Stat. 4196.

In subsection (c), the words “had been established as of December 12, 1980” are substituted for “have been established” for clarity.

§ 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List

The Secretary, in consultation with national historical and archeological associations, shall—

(1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and

(2) promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic property for inclusion in the World Heritage List in accordance with the World Heritage Convention;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3192.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302103	16 U.S.C. 470a(a)(2).	Pub. L. 89–665, title I, §101(a)(2), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2988.

The words “or revise” are omitted as being included in “establish” and “promulgate”.

§ 302104. Nominations for inclusion on National Register

(a) **NOMINATION BY STATE.**—Subject to the requirements of section 302107 of this title, any State that is carrying out a program approved under chapter 3023 shall nominate to the Secretary property that meets the criteria promulgated under section 302103 of this title for inclusion on the National Register. Subject to section 302107 of this title, any property nominated under this subsection or under section 306102 of this title shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under subsection (d).

(b) **NOMINATION BY PERSON OR LOCAL GOVERNMENT.**—Subject to the requirements of section 302107 of this title, the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 of this title. The Secretary may include on the National Register any property for which such a nomination is made if the Secretary determines that the property is eligible in accordance with the regulations promulgated under section 302103 of this title. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under subsection (d).

(c) **NOMINATION BY FEDERAL AGENCY.**—Subject to the requirements of section 302107 of this title, the regulations promulgated under section 302103 of this title, and appeal under subsection (d) of this section, the Secretary may accept a nomination directly by a Federal agency for inclusion of property on the National Register only if—

(1) completed nominations are sent to the State Historic Preservation Officer for review and comment regarding the adequacy of the nomination, the significance of the property and its eligibility for the National Register;

(2) within 45 days of receiving the completed nomination, the State Historic Preservation Officer has made a recommendation regarding the nomination to the Federal Preservation Officer, except that failure to meet this deadline shall constitute a recommendation to not support the nomination;

(3) the chief elected officials of the county (or equivalent governmental unit) and municipi-

pal political jurisdiction in which the property is located are notified and given 45 days in which to comment;

(4) the Federal Preservation Officer forwards it to the Keeper of the National Register of Historic Places after determining that all procedural requirements have been met, including those in paragraphs (1) through (3) above; the nomination is adequately documented; the nomination is technically and professionally correct and sufficient; and may include an opinion as to whether the property meets the National Register criteria for evaluation;

(5) notice is provided in the Federal Register that the nominated property is being considered for listing on the National Register that includes any comments and the recommendation of the State Historic Preservation Officer and a declaration whether the State Historic Preservation Officer has responded within the 45 day-period of review provided in paragraph (2); and

(6) the Secretary addresses in the Federal Register any comments from the State Historic Preservation Officer that do not support the nomination of the property on the National Register before the property is included in the National Register.

(d) **APPEAL.**—Any person or local government may appeal to the Secretary—

(1) a nomination of any property for inclusion on the National Register; and

(2) the failure of a nominating authority to nominate a property in accordance with this chapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3192; Pub. L. 114–289, title VIII, § 802(b), Dec. 16, 2016, 130 Stat. 1494.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302104	16 U.S.C. 470a(a)(3) through (5).	Pub. L. 89–665, title I, § 101(a)(3) through (5), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2989.

In subsection (c)(1), the word “historic” is omitted because a historic property already is eligible for inclusion on the National Register and would not have to be nominated for inclusion.

In subsection (c)(2), the words “or refusal” are omitted as unnecessary.

AMENDMENTS

2016—Subsecs. (a), (b). Pub. L. 114–289, § 802(b)(1), substituted “subsection (d)” for “subsection (c)”.

Subsecs. (c), (d). Pub. L. 114–289, § 802(b)(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

§ 302105. Owner participation in nomination process

(a) **REGULATIONS.**—The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Land-

mark, the owner of the property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation. The regulations shall include provisions to carry out this section in the case of multiple ownership of a single property.

(b) **WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.**—If the owner of any privately owned property, or a majority of the owners of privately owned properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

(c) **REVIEW BY SECRETARY.**—The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary’s determination.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3193.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302105(a)	16 U.S.C. 470a(a)(6) (1st, last sentences).	Pub. L. 89–665, title I, § 101(a)(6), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2989.
302105(b)	16 U.S.C. 470a(a)(6) (2d sentence).	
302105(c)	16 U.S.C. 470a(a)(6) (3d sentence).	

§ 302106. Retention of name

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3193.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302106	16 U.S.C. 470a(a)(1)(A) (last sentence).	Pub. L. 89–665, title I, § 101(a)(1)(A) (last sentence), as added Pub. L. 106–113, div. B, § 1000(a)(9) [title III, § 3007], Nov. 29, 1999, 113 Stat. 1536, 1501A–551.

§ 302107. Regulations

The Secretary shall promulgate regulations—

(1) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter I of chapter 3061, chapter 3125, or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution with adequate long-term curatorial capabilities;

(2) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records in the Library of Congress; and

(3) certifying local governments, in accordance with sections 302502 and 302503 of this title, and for the transfer of funds pursuant to section 302902(c)(4) of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3194.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302107	16 U.S.C. 470a(a)(7).	Pub. L. 89–665, title I, §101(a)(7), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2990.

In paragraph (3), the word “transfer” is substituted for “allocation” for consistency with section 302902(c)(4) of the new title.

REFERENCES IN TEXT

The Archaeological Resources Protection Act of 1979, referred to in par. (1), is Pub. L. 96–95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

§ 302108. Review of threats to historic property

At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

(1) determine the kinds of historic property that may be threatened;

(2) ascertain the causes of the threats; and

(3) develop and submit to the President and Congress recommendations for appropriate action.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3194.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302108	16 U.S.C. 470a(a)(8).	Pub. L. 89–665, title I, §101(a)(8), as added Pub. L. 102–575, title XL, §4003, Oct. 30, 1992, 106 Stat. 4753.

CHAPTER 3023—STATE HISTORIC PRESERVATION PROGRAMS

Sec.
302301. Regulations.

Sec.
302302. Program evaluation.
302303. Responsibilities of State Historic Preservation Officer.
302304. Contracts and cooperative agreements.

§ 302301. Regulations

The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this chapter shall be approved by the Secretary if the Secretary determines that the program provides for—

(1) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 of this title and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;

(2) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(3) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3194.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302301	16 U.S.C. 470a(b)(1).	Pub. L. 89–665, title I, §101(b)(1), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2990.

Before paragraph (1), the words “or revise” are omitted as unnecessary.

In paragraph (1), the words “chief elected official” are substituted for “Governor” for clarity because the definition of “State” in section 300316 of the new title includes entities in which the chief elected official is not the Governor.

§ 302302. Program evaluation

(a) WHEN EVALUATION SHOULD OCCUR¹.—Periodically, but not less than every 4 years after the approval of any State program under section 302301 of this title, the Secretary, in consultation with the Council on the appropriate provisions of this division, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this division.

(b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this division, the Secretary shall disapprove the program and suspend in whole or in part any contracts or

¹ So in original. Probably should be “Occur”.

cooperative agreements with the State and the State Historic Preservation Officer under this division, until the program is consistent with this division, unless the Secretary determines that the program will be made consistent with this division within a reasonable period of time.

(c) OVERSIGHT.—The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

(1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(A) establishes and maintains substantially similar accountability standards; and
(B) provides for independent professional peer review.

(2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

(A) may conduct periodic fiscal audits of State programs approved under this subdivision as needed; and

(B) shall ensure that the programs meet applicable accountability standards.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3195.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302302	16 U.S.C. 470a(b)(2).	Pub. L. 89–665, title I, §101(b)(2), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2990; Pub. L. 102–575, title XL, §4004(1), Oct. 30, 1992, 106 Stat. 4753.

§ 302303. Responsibilities of State Historic Preservation Officer

(a) IN GENERAL.—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program.

(b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the State Historic Preservation Officer to—

(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

(2) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;

(3) prepare and implement a comprehensive statewide historic preservation plan;

(4) administer the State program of Federal assistance for historic preservation within the State;

(5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(6) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;

(7) provide public information, education, and training and technical assistance in historic preservation;

(8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025;

(9) consult with appropriate Federal agencies in accordance with this division on—

(A) Federal undertakings that may affect historic property; and

(B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property; and

(10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3195.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302303	16 U.S.C. 470a(b)(3).	Pub. L. 89–665, title I, §101(b)(3), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2991; Pub. L. 102–575, title XL, §4004(2), Oct. 30, 1992, 106 Stat. 4754.

In paragraph (6) of subsection (b), the word “private” is added before “organizations” for consistency with paragraph (1).

§ 302304. Contracts and cooperative agreements

(a) STATE.—A State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.

(b) SECRETARY.—

(1) IN GENERAL.—

(A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs (3) and (4), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing the Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:

(i) Identification and preservation of historic property.

(ii) Determination of the eligibility of property for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

(B) **AUTHORITY TO MAINTAIN NATIONAL REGISTER.**—Nothing in subparagraph (A) shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(2) **REQUIREMENTS.**—The Secretary may enter into a contract or cooperative agreement under paragraph (1) only if—

(A) the State Historic Preservation Officer has requested the additional responsibility;

(B) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 of this title;

(C) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that the Officer is fully capable of carrying out the responsibility in that manner;

(D) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to the contract or cooperative agreement; and

(E) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out that responsibility.

(3) **ESTABLISH CONDITIONS AND CRITERIA.**—For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by a State Historic Preservation Officer of the Secretary's duties in each of those programs.

(4) **PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.**—Nothing in this chapter shall have the effect of diminishing the preservation programs and activities of the Service.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3196.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302304	16 U.S.C. 470a(b)(4).	Pub. L. 89–665, title I, §101(b)(4), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2991.
	16 U.S.C. 470a(b)(6).	Pub. L. 89–665, title I, §101(b)(6), as added Pub. L. 102–575, title XL, §4004(4), Oct. 30, 1992, 106 Stat. 4754.

CHAPTER 3025—CERTIFICATION OF LOCAL GOVERNMENTS

Sec.
302501. Definitions.

Sec.
302502. Certification as part of State program.
302503. Requirements for certification.
302504. Participation of certified local governments in National Register nominations.
302505. Eligibility and responsibility of certified local government.

§ 302501. Definitions

In this chapter:

(1) **DESIGNATION.**—The term “designation” means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) **PROTECTION.**—The term “protection” means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3197.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302501	16 U.S.C. 470a(c)(4).	Pub. L. 89–665, title I, §101(c)(4), as added Pub. L. 102–575, title XL, §4005, Oct. 30, 1992, 106 Stat. 4755.

§ 302502. Certification as part of State program

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of this title, of a portion of the grants received by the States under this division, to those local governments.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3197.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302502	16 U.S.C. 470a(c)(1) (1st sentence).	Pub. L. 89–665, title I, §101(c)(1) (1st sentence), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2991.

§ 302503. Requirements for certification

(a) **APPROVED STATE PROGRAM.**—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

(1) enforces appropriate State or local legislation for the designation and protection of historic property;

(2) has established an adequate and qualified historic preservation review commission by State or local legislation;

(3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;

(4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(5) satisfactorily performs the responsibilities delegated to it under this division.

(b) **NO APPROVED STATE PROGRAM.**—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3197.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302503	16 U.S.C. 470a(c)(1) (2d. last sentences).	Pub. L. 89–665, title I, §101(c)(1) (2d. last sentences), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2991.

In subsection (b), the words “State program approved under section 302302 of this title” are substituted for “approved State program” for clarity.

§ 302504. Participation of certified local governments in National Register nominations

(a) **NOTICE.**—Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) **REPORT.**—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission’s opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) **RECOMMENDATION.**—

(1) **PROPERTY NOMINATED TO NATIONAL REGISTER.**—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) **PROPERTY NOT NOMINATED TO NATIONAL REGISTER.**—If both the commission and the

chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3198.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302504	16 U.S.C. 470a(c)(2).	Pub. L. 89–665, title I, §101(c)(2), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992.

§ 302505. Eligibility and responsibility of certified local government

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3198.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302505	16 U.S.C. 470a(c)(3).	Pub. L. 89–665, title I, §101(c)(3), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992.

The words “or which is making efforts to become so certified” are omitted in paragraph (1) for consistency with section 302902(c)(4) of the new title.

CHAPTER 3027—HISTORIC PRESERVATION PROGRAMS AND AUTHORITIES FOR INDIAN TRIBES AND NATIVE HAWAIIAN ORGANIZATIONS

<i>Sec.</i>	
302701.	Program to assist Indian tribes in preserving historic property.
302702.	Indian tribe to assume functions of State Historic Preservation Officer.
302703.	Apportionment of grant funds.
302704.	Contracts and cooperative agreements.
302705.	Agreement for review under tribal historic preservation regulations.
302706.	Eligibility for inclusion on National Register.

§ 302701. Program to assist Indian tribes in preserving historic property

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

(b) **COMMUNICATION AND COOPERATION.**—The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to—

(1) ensure that all types of historic property and all public interests in historic property are given due consideration; and

(2) encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic property.

(c) **TRIBAL VALUES.**—The program under subsection (a) shall be developed in a manner to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this subdivision to conform to the cultural setting of tribal heritage preservation goals and objectives.

(d) **SCOPE OF TRIBAL PROGRAMS.**—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each Indian tribe's chief governing authority.

(e) **CONSULTATION.**—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservations¹ Officers, and other interested parties concerning the program under subsection (a).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3199.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302701	16 U.S.C. 470a(d)(1).	Pub. L. 89–665, title I, §101(d)(1), as added Pub. L. 102–575, title XL, §4006(a)(2), Oct. 30, 1992, 106 Stat. 4755.

In subsection (e), the words “and initiate the program under subparagraph (A) by not later than October 1, 1994” are omitted as obsolete.

§ 302702. Indian tribe to assume functions of State Historic Preservation Officer

An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 of this title, with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary, if—

(1) the Indian tribe's chief governing authority so requests;

(2) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the Indian tribe's chief governing authority or as a tribal ordinance may otherwise provide;

¹ So in original. Probably should be “Preservation”.

(3) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(4) the Secretary determines, after consulting with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the Indian tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 of this title), and other Indian tribes, if any, whose tribal or aboriginal land may be affected by conduct of the tribal preservation program, that—

(A) the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under paragraph (3);

(B) the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(C) the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, that the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 of this title; and

(5) based on satisfaction of the conditions stated in paragraphs (1), (2), (3), and (4), the Secretary approves the plan.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3199.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302702	16 U.S.C. 470a(d)(2)	Pub. L. 89–665, title I, §101(d)(2), as added Pub. L. 102–575, title XL, §4006(a)(2), Oct. 30, 1992, 106 Stat. 4756; Pub. L. 106–208, §5(a)(1), May 26, 2000, 114 Stat. 318.

§ 302703. Apportionment of grant funds

In consultation with interested Indian tribes, other Native American organizations, and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 302902(c)(1)(A) of this title with respect to tribal programs that assume responsibilities under section 302702 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3200.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302703	16 U.S.C. 470a(d)(3).	Pub. L. 89–665, title I, §101(d)(3), as added Pub. L. 102–575, title XL, §4006(a)(2), Oct. 30, 1992, 106 Stat. 4756.

§ 302704. Contracts and cooperative agreements

At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to sec-

tion 302702 of this title, the Secretary shall enter into a contract or cooperative agreement with the Indian tribe permitting the assumption by the Indian tribe of any part of the responsibilities described in section 302304(b) of this title on tribal land, if—

(1) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(2) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this division; and

(3) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(A) the Indian tribe's traditional cultural authorities;

(B) representatives of other Indian tribes whose traditional land is under the jurisdiction of the Indian tribe assuming responsibilities; and

(C) the interested public.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3200.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302704	16 U.S.C. 470a(d)(4).	Pub. L. 89–665, title I, §101(d)(4), as added Pub. L. 102–575, title XL, §4006(a)(2), Oct. 30, 1992, 106 Stat. 4757.

§ 302705. Agreement for review under tribal historic preservation regulations

The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 306108 of this title, if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3201.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302705	16 U.S.C. 470a(d)(5).	Pub. L. 89–665, title I, §101(d)(5), as added Pub. L. 102–575, title XL, §4006(a)(2), Oct. 30, 1992, 106 Stat. 4757.

§ 302706. Eligibility for inclusion on National Register

(a) IN GENERAL.—Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(b) CONSULTATION.—In carrying out its responsibilities under section 306108 of this title, a Fed-

eral agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) HAWAII.—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—

(1) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register;

(2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(3) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate the property to the National Register and to carry out the cultural component of the preservation program or plan.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3201.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302706	16 U.S.C. 470a(d)(6).	Pub. L. 89–665, title I, §101(d)(6), as added Pub. L. 102–575, title XL, §4006(a)(2), Oct. 30, 1992, 106 Stat. 4757.

CHAPTER 3029—GRANTS

<i>Sec.</i>	
302901.	Awarding of grants and availability of grant funds.
302902.	Grants to States.
302903.	Grants to National Trust.
302904.	Direct grants for the preservation of properties included on National Register.
302905.	Religious property.
302906.	Grants and loans to Indian tribes and non-profit organizations representing ethnic or minority groups.
302907.	Grants to Indian tribes and Native Hawaiian organizations.
302908.	Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
302909.	Prohibited use of grant amounts.
302910.	Recordkeeping.

§ 302901. Awarding of grants and availability of grant funds

(a) IN GENERAL.—No grant may be made under this division unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary.

(b) GRANT NOT TREATED AS TAXABLE INCOME.—No grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(c) AVAILABILITY.—The Secretary shall make funding available to individual States and the National Trust as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be deemed to be one grant and shall be administered by the Service as one grant.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3202.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302901(a)	16 U.S.C. 470b(a) (1st sentence paragraph (1)).	Pub. L. 89-665, title I, § 102(a) (1st sentence paragraph (1)), Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, § 201(1), Sept. 28, 1976, 90 Stat. 1319.
302901(b)	16 U.S.C. 470b(a) (last sentence).	Pub. L. 89-665, title I, § 102(a) (last sentence), as added Pub. L. 96-515, title II, § 202(b), Dec. 12, 1980, 94 Stat. 2993; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095.
302901(c)	16 U.S.C. 470b(d) (relating to availability).	Pub. L. 89-665, title I, § 102(d) (relating to availability), as added Pub. L. 102-575, title XL, § 4009(3), Oct. 30, 1992, 106 Stat. 4759.

In subsection (b), the words “Notwithstanding any other provision of law” are omitted as unnecessary.

§ 302902. Grants to States

(a) IN GENERAL.—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this division.

(b) CONDITIONS.—

(1) In general¹.—No grant may be made under this division—

(A) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 of this title;

(B) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(C) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; or

(D) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) WAIVER.—The Secretary may waive the requirements of subparagraphs (A) and (C) of paragraph (1) for any grant under this division to the National Trust.

(3) AMOUNT LIMITATION.—

(A) IN GENERAL.—No grant may be made under this division for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 302303 of this title in any one fiscal year.

(B) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

(4) RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FEDERAL SHARE OF COST OF PROJECT.—No State shall be permitted to uti-

lize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

(c) APPORTIONMENT OF GRANT AMOUNTS.—

(1) BASES FOR APPORTIONMENT.—The amounts appropriated and made available for grants to the States—

(A) for the purposes of this division shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(B) for projects and programs under this division for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

(2) NOTIFICATION.—The Secretary shall notify each State of its apportionment under paragraph (1)(B) within 30 days after the date of enactment of legislation appropriating funds under this division.

(3) REAPPORTIONMENT.—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given or during the 2 fiscal years after that fiscal year shall be reapportioned by the Secretary in accordance with paragraph (1)(B). The Secretary shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

(4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this division shall be transferred by the State, pursuant to the requirements of this division, to certified local governments for historic preservation projects or programs of the certified local governments. In any year in which the total annual apportionment to the States exceeds \$65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—The Secretary shall establish guidelines for the use and distribution of funds under paragraph (4) to ensure that no certified local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single certified local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (4), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to certified local governments.

(d) ADMINISTRATIVE COSTS.—The total direct and indirect administrative costs charged for carrying out State projects and programs shall not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3202.)

¹ So in original. Probably should be “IN GENERAL”.

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302902(a)	16 U.S.C. 470a(e)(1).	Pub. L. 89-665, title I, §101(e)(1), formerly §101(d)(1), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91-383, §11, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93-54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96-205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as §101(e)(1) and amended, Pub. L. 102-575, title XL, §§4006(a)(1), 4007(1), Oct. 30, 1992, 106 Stat. 4755, 4758.
302902(b)(1)	16 U.S.C. 470b(a) (1st sentence paragraphs (2), (4) through (6)).	Pub. L. 89-665, title I, §102(a) (1st sentence paragraphs (2), (4) through (6), (d) (relating to remaining cost of project)), Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, §201(1), Sept. 28, 1976, 90 Stat. 1319.
302902(b)(2)	16 U.S.C. 470b(b).	Pub. L. 89-665, title I, §102(b), Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, §201(1), Sept. 28, 1976, 90 Stat. 1319; Pub. L. 102-575, title XL, §4009(2), Oct. 30, 1992, 106 Stat. 4759.
302902(b) (3)(A).	16 U.S.C. 470b(a) (1st sentence paragraph (3)).	Pub. L. 89-665, title I, §102(a) (1st sentence paragraph (3)), Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, §201(1), Sept. 28, 1976, 90 Stat. 1319; Pub. L. 96-515, title II, §202(a), Dec. 12, 1980, 94 Stat. 2993; Pub. L. 102-575, title XL, §4009(1), Oct. 30, 1992, 106 Stat. 4759; Pub. L. 106-208, §5(a)(5), May 26, 2000, 114 Stat. 318.
302902(b) (3)(B).	16 U.S.C. 470b(a) (2d sentence).	Pub. L. 89-665, title I, §102(a) (2d sentence), as added Pub. L. 96-515, title II, §202(b), Dec. 12, 1980, 94 Stat. 2993.
302902(b)(4)	16 U.S.C. 470b(d) (relating to remaining cost of project).	
302902(c)	16 U.S.C. 470c.	Pub. L. 89-665, title I, §103, Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, §201(2), Sept. 28, 1976, 90 Stat. 1319; Pub. L. 96-515, title II, §203, Dec. 12, 1980, 94 Stat. 2993; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 102-575, title XL, §4010, Oct. 30, 1992, 106 Stat. 4759; Pub. L. 106-208, §5(a)(6), May 26, 2000, 114 Stat. 318.
302902(d)	16 U.S.C. 470b(e).	Pub. L. 89-665, title I, §102(e), as added Pub. L. 102-575, title XL, §4009(3), Oct. 30, 1992, 106 Stat. 4759.

In subsection (b)(4), the words “non-Federal share of the” are substituted for “remaining” for clarity.

§ 302903. Grants to National Trust

(a) SECRETARY OF THE INTERIOR.—The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this division.

(b) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development may make grants to the National Trust, on terms and conditions and in amounts (not exceeding \$90,000 with respect to any one structure) as the Secretary of Housing and Urban Development considers appropriate, to cover the costs incurred by the National Trust in renovating or restoring structures that the

National Trust considers to be of historic or architectural value and that the National Trust has accepted and will maintain (after the renovation or restoration) for historic purposes.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3203.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302903(a)	16 U.S.C. 470a(e)(2).	Pub. L. 89-665, title I, §101(e)(2), formerly §101(d)(2), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91-383, §11, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93-54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96-205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as §101(e)(2), Pub. L. 102-575, title XL, §4006(a)(1), Oct. 30, 1992, 106 Stat. 4755; Pub. L. 106-208, §5(a)(2), May 26, 2002, 114 Stat. 318.
302903(b)	16 U.S.C. 470b-1.	Pub. L. 89-754, title VI, §603, Nov. 3, 1980, 80 Stat. 1278.

In subsection (a), the words “chartered by sections 468 to 468d of this title” are omitted as unnecessary.

In subsection (b), the text of 16 U.S.C. 470b-1(b) is omitted as unnecessary.

§ 302904. Direct grants for the preservation of properties included on National Register

(a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

(b) AVAILABLE AMOUNT.—Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

(c) USES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(A) for the preservation of—

(i) National Historic Landmarks that are threatened with demolition or impairment; and

(ii) historic property of World Heritage significance;

(B) for demonstration projects that will provide information concerning professional methods and techniques having application to historic property;

(C) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

(D) to assist individuals or small businesses within any historic district included on the National Register to remain within the district.

(2) LIMIT ON CERTAIN GRANTS.—A grant may be made under subparagraph (A) or (D) of paragraph (1) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 303901 of this title.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3204.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302904(a) through (c)(1).	16 U.S.C. 470a(e)(3)(A).	Pub. L. 89-665, title I, §101(e)(3)(A), (C), formerly §101(d)(3)(A), (C), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91-383, §11, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93-54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96-205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as §101(e)(3)(A), (C), Pub. L. 102-575, title XL, §4006(a)(1), Oct. 30, 1992, 106 Stat. 4755; Pub. L. 106-208, §5(a)(3), May 26, 2002, 114 Stat. 318.
302904(c)(2)	16 U.S.C. 470a(e)(3)(C).	

In subsection (a), the words “In addition to the programs under paragraphs (1) and (2)” are omitted as unnecessary.

In subsection (c)(1)(D), the word “individuals” is substituted for “persons” for clarity.

§ 302905. Religious property

(a) IN GENERAL.—Grants may be made under this chapter for the preservation, stabilization, restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant—

- (1) is secular;
- (2) does not promote religion; and
- (3) seeks to protect qualities that are historically significant.

(b) EFFECT OF SECTION.—Nothing in this section shall be construed to authorize the use of any funds made available under this subdivision for the acquisition of any religious property listed on the National Register.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3204.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302905	16 U.S.C. 470a(e)(4).	Pub. L. 89-665, title I, §101(e)(4), as added Pub. L. 102-575, title XL, §4007(2), Oct. 30, 1992, 106 Stat. 4758.

§ 302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups

The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this subdivision to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3204.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302906	16 U.S.C. 470a(e)(3)(B).	Pub. L. 89-665, title I, §101(e)(3)(B), formerly §101(d)(3)(B), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91-383, §11, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93-54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96-205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as §101(e)(3)(B), Pub. L. 102-575, title XL, §4006(a)(1), Oct. 30, 1992, 106 Stat. 4755; Pub. L. 106-208, §5(a)(3), May 26, 2002, 114 Stat. 318.

§ 302907. Grants to Indian tribes and Native Hawaiian organizations

The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this division as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe’s or Native Hawaiian organization’s conducting its responsibilities pursuant to this subdivision.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3205.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302907	16 U.S.C. 470a(e)(5).	Pub. L. 89-665, title I, §101(e)(5), as added Pub. L. 102-575, title XL, §4007(2), Oct. 30, 1992, 106 Stat. 4758.

§ 302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

(a) IN GENERAL.—As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled “Joint Resolution to approve the ‘Compact of Free Association’ between the United States and Government¹ of Palau, and for other purposes” (48 U.S.C. 1931 et seq.) or any successor enactment.

(b) GOAL OF PROGRAM.—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

¹ So in original. Probably should be preceded by “the”.

(c) **BASIS OF ALLOCATING AMOUNTS.**—The amounts to be made available under this subsection shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

(d) **WAIVERS AND MODIFICATIONS.**—The Secretary may waive or modify the requirements of this subdivision to conform to the cultural setting of those nations. Matching funds may be waived or modified.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3205.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302908	16 U.S.C. 470a(e)(6).	Pub. L. 89–665, title I, §101(e)(6), as added Pub. L. 102–575, title XL, §4007(2), Oct. 30, 1992, 106 Stat. 4758.

In subsection (a), the words “the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands” are omitted as obsolete. See note at 48 U.S.C. prec. 1681. For continued application of certain laws of the United States in certain cases, see the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note), the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note), and the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note). The words “or any successor enactment” are added for clarity.

REFERENCES IN TEXT

The Compact of Free Association Act of 1985, referred to in subsec. (a), is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, which is classified principally to part A of subchapter I (§1901 et seq.) of chapter 18 and chapter 19 (§2001 et seq.) of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 48 and Tables.

The Joint Resolution entitled “Joint Resolution to approve the ‘Compact of Free Association’ between the United States and the Government of Palau, and for other purposes”, referred to in subsec. (a), is Pub. L. 99–658, Nov. 14, 1986, 100 Stat. 3672, which is classified generally to part A (§1931 et seq.) of subchapter II of chapter 18 of Title 48. For complete classification of this Act to the Code, see Tables.

§ 302909. Prohibited use of grant amounts

No part of any grant made under this subdivision shall be used to compensate any person intervening in any proceeding under this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3205.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302909	16 U.S.C. 470a(f).	Pub. L. 89–665, title I, §101(f), formerly §101(e), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as §101(f), Pub. L. 102–575, title XL, §4006(a)(1), Oct. 30, 1992, 106 Stat. 4758.

§ 302910. Recordkeeping

A recipient of assistance under this division shall keep—

(1) such records as the Secretary shall prescribe, including records that fully disclose—

(A) the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3205.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302910	16 U.S.C. 470e.	Pub. L. 89–665, title I, §105, Oct. 15, 1966, 80 Stat. 917.

The word “recipient” is substituted for “beneficiary” for clarity.

CHAPTER 3031—HISTORIC PRESERVATION FUND

Sec.

303101. Establishment.

303102. Funding.

303103. Use and availability.

AMENDMENTS

2016—Pub. L. 114–289, title VIII, §802(c)(2), Dec. 16, 2016, 130 Stat. 1495, substituted “Funding” for “Content” in item 303102.

§ 303101. Establishment

To carry out this division (except chapter 3041) and chapter 3121, there is established in the Treasury the Historic Preservation Fund.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3206.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303101	16 U.S.C. 470h (1st paragraph).	Pub. L. 89–665, title I, §108 (1st paragraph), Oct. 15, 1966, 80 Stat. 917; Pub. L. 91–243, §1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93–54, §1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94–422, title II, §201(4), Sept. 28, 1976, 90 Stat. 1320.

The words “(except chapter 3041) and chapter 3121” are added for clarity. The Advisory Council on Historic Preservation does not receive amounts from the Fund. The National Trust for Historic Preservation in the United States does receive amounts.

§ 303102. Funding

For each of fiscal years 2012 to 2023, \$150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 8733(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3206; Pub. L. 114–289, title VIII, § 802(a), (c)(1), Dec. 16, 2016, 130 Stat. 1494, 1495; Pub. L. 115–232, div. A, title VIII, § 809(s), Aug. 13, 2018, 132 Stat. 1844.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303102	16 U.S.C. 470h (last paragraph 1st sentence).	Pub. L. 89–665, title I, § 108 (last paragraph 1st sentence), Oct. 15, 1966, 80 Stat. 917; Pub. L. 91–243, § 1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93–54, § 1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94–422, title II, § 201(4), Sept. 28, 1976, 90 Stat. 1320; Pub. L. 96–515, title II, § 205, Dec. 12, 1980, 94 Stat. 2995; Pub. L. 100–127, Oct. 9, 1987, 101 Stat. 800; Pub. L. 102–575, title XL, § 4011, Oct. 30, 1992, 106 Stat. 4760; Pub. L. 106–208, §§ 2, 5(a)(7), May 26, 2000, 114 Stat. 318, 319; Pub. L. 109–453, § 1(c), Dec. 22, 2006, 120 Stat. 3367.

Reference to fiscal years 1977–2011 is omitted as obsolete.

AMENDMENTS

2018—Pub. L. 115–232 substituted “section 8733(b) of title 10” for “section 7433(b) of title 10”.

2016—Pub. L. 114–289 substituted “Funding” for “Contents” in section catchline and “2023” for “2015” in text.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of Title 10, Armed Forces.

§ 303103. Use and availability

Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress. Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3206.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303103	16 U.S.C. 470h (last paragraph last sentence).	Pub. L. 89–665, title I, § 108 (last paragraph last sentence), Oct. 15, 1966, 80 Stat. 917; Pub. L. 91–243, § 1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93–54, § 1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94–422, title II, § 201(4), Sept. 28, 1976, 90 Stat. 1320.

CHAPTERS 3033 THROUGH 3037—RESERVED

CHAPTER 3039—MISCELLANEOUS

Sec.

303901. Loan insurance program for preservation of property included on National Register.
303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property.
303903. Preservation education and training program.

§ 303901. Loan insurance program for preservation of property included on National Register

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) LOAN QUALIFICATIONS.—A loan may be insured under this section if—

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed the amount and rate established by the Secretary by regulation;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of 40 years or the expected life of the asset financed;

(6) the amount insured with respect to the loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet such other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.—The aggregate unpaid principal balance of loans insured under this section may not exceed the amount that has been deposited in the Historic Preservation

Fund but which has not been appropriated for any purpose.

(e) **INSURANCE CONTRACTS.**—Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(f) **CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.**—The Secretary shall specify, by regulation and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(g) **PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.**—In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the historic property securing a loan insured under this section; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(h) **CONVEYANCE TO GOVERNMENTAL OR NON-GOVERNMENTAL ENTITY OF PROPERTY ACQUIRED BY FORECLOSURE.**—

(1) **ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND USE.**—In any case in which historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey the property to any governmental or nongovernmental entity under conditions that will ensure the property's continued preservation and use. If, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey the property and to ensure its continued preservation and use, the Secretary may convey the property at the fair market value of its interest in the property to any entity without restriction.

(2) **DISPOSITION OF FUNDS.**—Any funds obtained by the Secretary in connection with the conveyance of any historic property pursuant to paragraph (1) shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(i) **ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.**—The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(j) **TREATMENT OF LOANS AS NON-FEDERAL FUNDS.**—Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provi-

sion of law under which Federal funds to be used for any project or activity are conditioned on the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(k) **INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.**—No debt obligation that is made or committed to be made, or that is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3206.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303901	16 U.S.C. 470d.	Pub. L. 89–665, title I, §104, Oct. 15, 1966, 80 Stat. 917; Pub. L. 96–515, title II, §204, Dec. 12, 1980, 94 Stat. 2994.

The text of 16 U.S.C. 470d(j) is omitted as unnecessary.

In subsection (d), the words “pursuant to section 470h of this title and subsections (g) and (i) of this section, as in effect on December 12, 1980” are omitted as unnecessary and obsolete. The cross reference to subsection (i) should be to subsection (h).

In subsection (g)(1), the word “part” is translated as “section” for clarity because 16 U.S.C. 470d is the only provision of the part that relates to insuring loans.

In subsection (h)(2), the words “in addition to the amounts covered into such fund pursuant to section 470h of this title and subsection (i) of this section” are omitted as unnecessary. The cross reference to subsection (i) should be to subsection (h).

In subsection (i), the words “in addition to the amounts covered into such fund pursuant to section 470h of this title and subsection (g) of this section” are omitted as unnecessary.

§ 303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property

The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic property and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3208.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303902	16 U.S.C. 470a(i).	Pub. L. 89-665, title I, §101(i), formerly §101(h), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91-383, §11, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93-54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96-205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as §101(i), Pub. L. 102-575, title XL, §4006(a)(1), Oct. 30, 1992, 106 Stat. 4758.

§ 303903. Preservation education and training program

The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program. The program shall include—

- (1) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;
- (2) preservation training opportunities for other Federal, State, tribal and local government workers, and students;
- (3) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and
- (4) where appropriate, coordination with the National Center for Preservation Technology and Training of—

(A) distribution of information on preservation technologies;

(B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3208.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303903	16 U.S.C. 470a(j).	Pub. L. 89-665, title I, §101(j), as added Pub. L. 102-575, title XL, §4008, Oct. 30, 1992, 106 Stat. 4758.

In paragraph (1), the word “new” is omitted as unnecessary.

In paragraph (2), the word “increased” is omitted as unnecessary.

SUBDIVISION 3—ADVISORY COUNCIL ON HISTORIC PRESERVATION

CHAPTER 3041—ADVISORY COUNCIL ON HISTORIC PRESERVATION

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§ 304101. Establishment; vacancies

(a) ESTABLISHMENT.—There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

(1) A Chairman appointed by the President selected from the general public.

(2) The Secretary.

(3) The Architect of the Capitol.

(4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.

(5) One Governor appointed by the President.

(6) One mayor appointed by the President.

(7) The President of the National Conference of State Historic Preservation Officers.

(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.

(9) The Chairman of the National Trust.

(10) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.

(11) Three members from the general public, appointed by the President.

(12) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5) and (7) through (9) of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (10) through (12) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member, other than the Chairman of the Council, may not serve more than 2 terms. An appointed member whose term